IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 9524 of 2004

Komalsing Diwansing Thakur ..Petitioner

vs.

1. State of Maharashtra
and another ..Respondents

Shri R.K.Mendadkar for petitioner
Shri C.R.Sonawane, A.G.P. for respondents.

CORAM: A.P.SHAH AND
S.C.DHARMADHIKARI JJ
14h December,2004

P.C.

1. Rule. Respondents waive service.

2. By consent rule is made returnable forthwith.

3. This is a petition under Article 226 of the Constitution of India. Petitioners pray for writ of mandamus directing respondent no.2 Committee to forthwith withdraw the condition imposed inthe order validating the petitioner's claim to Thakur Scheduled Tribe.

4. We have heard Shri Mendadkar, learned Counsel appearing for petitioner and Shri Sonawane, A.G.P. appearing for respondents.

5. It is not disputed that petitioner belongs to

Thakur Tribe Notified vide Presidential Notification issued under Article 342(1) of the Constitution of India. It appears that petitioner has been issued caste certificate by competent authority. However, for claiming benefits conferred on reserved categories, caste certificate of the petitioner was referred for verification and scrutiny of respondent no.2 Committee. It is also not in dispute that relying upon materials produced by the petitionr as well as perusing the vigilance report, the caste certificate has been held to be valid. However, while holding that the claim of the petitioner is valid, caste scrutiny committee imposed a condition that validity certificate be issued subject to decision of this Court in a matter remitted back to this Court by the Supreme Court i.e. the case of Sunil Murlidhar Thakur.

5. We need not consider the issue as to whether a conditional validity certificate can be issued by the Committee or not in this case in asmuch as Counsel appearing for parties are agreedd that the condition imposed by the respondent no.2 committee would not survive. Writ Petition No.3153 of 1996 filed by Sunil Murlidhar Thakur and Anr. Vs. State of Maharashtra has been decided by us and the order of scrutiny committee has been quashed and set aside. Sunil Murlidhar Thakur also belongs to

Thakur, Scheduled Tribe and the Committee has been directed to issue caste validity certificate in his favour by our order dated 4th October, 2004. In the light of the decision in the case of Sunil Murlidhar Thakur, the condition imposed by respondent no.2 Committee in case of petitioners would not survive. It is held that petitioners are entitled to caste validity certificate without any condition. The scrutiny committee is directed to delete the condition and issue caste validity certificate in prescribed form in favour of petitioner within a period of two months from today.

5. Rule is made absolute in the above terms with no order as to costs.